

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JAMES D. GRAVES, )  
Plaintiff, )  
v. )  
CONAGRA FOODS, INC., )  
Defendant. )

**NOTICE OF FILING**

TO: Dean J. Caras, Esq  
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PLEASE TAKE NOTICE that on January 5, 2008 we caused to be filed with the Clerk of United States District Court for the Northern District of Illinois, Defendants Cross Notice of Inspection a copy of which is attached hereto and thereby served upon you.

Dated: January 5, 2008

/s/ John D. Bonini  
One of the Attorneys for Defendant

John D. Bonini (ARDC # 6289090)  
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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JAMES D. GRAVES, )  
Plaintiff, )  
v. )  
CONAGRA FOODS, INC., )  
Defendant. )

## **CROSS-NOTICE OF INSPECTION**

Comes now, ConAgra Foods, Inc., by counsel, and hereby informs the Court and all interested parties that it will make available for inspection, pursuant to the terms of the Peanut Butter Disposition Order dated November 16, 2007 (attached hereto as Exhibit A), entered by Judge Thomas Thrash of the United States District Court for the Northern District of Georgia who presides over *In Re: ConAgra Peanut Butter Products Liability Litigation*, MDL No. 1845, as well as ConAgra's Notice of Inspection filed with the MDL No. 1845 court on January 4, 2008 (attached hereto as Exhibit B), all "Retained Product" (as defined in the Order and related pleadings). Counsel for all interested parties shall have the opportunity to enter ConAgra facilities to inspect and/or test the Retained Product on January 10 and 11, 2008, beginning at 9:00 a.m. E.S.T. on each day. The Retained Product shall be made available at 555 Heckscher Drive, Jacksonville, Florida 32226.

The undersigned certifies that a protocol governing the procedure will be issued to all who advise ConAgra of their intention to attend the inspection and testing.

Dated: January 5, 2008

Respectfully submitted,  
CONAGRA FOODS, INC.

By: /s/ John D. Bonini  
One of its Attorneys

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# EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

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IN RE: CONAGRA PEANUT	)	CIVIL ACTION NO.:
BUTTER PRODUCTS LIABILITY	)	1:07-MDL-1845-TWT
LITIGATION	)	ALL CASES
	)	

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**[PROPOSED] PEANUT BUTTER DISPOSITION ORDER**

THIS MATTER having come before the Court on ConAgra Foods, Inc.'s Motion for a Peanut Butter Disposition Order ("ConAgra's Motion"), the Court having reviewed ConAgra's Motion, and the Court finding that good cause exists to grant ConAgra's Motion, it is hereby ordered as follows:

1. Defendant ConAgra Foods, Inc. shall continue to retain and store the Inventoried Product, Individual Jars, and Additional Product (as defined in ConAgra's Motion, and which collectively shall be referred to herein as the "Retained Product") for sixty (60) days from entry of this Order.
2. Upon entry of this Order, ConAgra Foods, Inc. and plaintiffs' liaison counsel shall meet, confer and agree upon: a) a forty-eight (48) hour period of time within the next sixty (60) days during which, and b) an

inspection and testing protocol pursuant to which, all interested parties shall have reasonable access to the Retained Product for inspection and testing.

3. The Court directs ConAgra Foods, Inc. to inform counsel for all interested parties in this and related state court litigation of this inspection and testing time and protocol in writing and as far in advance of the same as is reasonably practical.

4. Following the agreed upon inspection/testing period, and the expiration of the sixty (60) day period specified in Paragraph 1 hereof, ConAgra Foods, Inc. may destroy all Retained Product in a manner not inconsistent with instructions and guidance previously provided by the Food and Drug Administration.

5. This order shall supersede the Peanut Butter Retention Orders (as defined in ConAgra's motion) and the parties shall have no obligations with respect to inventory, accounting, storage or retention of the Retained Product, beyond those expressly imposed herein.

IT IS SO ORDERED.

DATED this 16th day of November, 2007.

/s/Thomas W. Thrash  
Hon. Thomas W. Thrash, Jr.  
United States District Judge

# EXHIBIT B

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

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IN RE: CONAGRA PEANUT BUTTER ) Civil Action No.  
PRODUCTS LIABILITY LITIGATION ) 1:07-md-1845-TWT  
 ) ALL CASES  
 )

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**NOTICE OF INSPECTION**

Comes now, ConAgra Foods, Inc., by counsel, and hereby informs the Court and all interested parties that it will make available for inspection, pursuant to the terms of this Court's Peanut Butter Disposition Order dated November 16, 2007, all "Retained Product" (as defined in the Order and related pleadings). Counsel for all interested parties shall have the opportunity to enter ConAgra facilities to inspect and/or test the Retained Product on January 10 and 11, 2008, beginning at 9:00 a.m. on each day. The Retained Product shall be made available at 555 Heckscher Drive, Jacksonville, Florida 32226.

The undersigned certifies that notice has been provided to all counsel representing individuals alleging injury from the purchase or consumption of voluntarily recalled product of which counsel is aware and that a protocol will be issued to all who advise ConAgra of their intention to attend the inspection and testing.

Respectfully submitted,

CONAGRA FOODS, INC.  
BY COUNSEL:

/s/ James F. Neale

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*Attorneys for Defendant ConAgra Foods, Inc.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

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IN RE: CONAGRA PEANUT BUTTER ) Civil Action No.  
PRODUCTS LIABILITY LITIGATION ) 1:07-md-1845-TWT  
 ) ALL CASES  
 )

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of January, 2008, I electronically filed the foregoing pleading with the Clerk of the Court using the ECF system, which sent notification of such filing to lead counsel and all counsel of record.

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/s/ Andrew G. Phillips  
Andrew G. Phillips

**CERTIFICATE OF SERVICE**

I, John D. Bonini, certify that on January 5, 2008, I electronically filed the foregoing Notice of Filing with the Clerk of the United States District Court for the Northern District of Illinois, which sent notification of such filing to lead counsel and all counsel of record.

/s/ John D. Bonini

John D. Bonini